

SECOND REGULAR SESSION

HOUSE BILL NO. 2134

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOLAND.

Read 1st time March 7, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4768L.011

AN ACT

To repeal section 144.014, RSMo, and to enact in lieu thereof one new section relating to tax on retail sales of food.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 144.014, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 144.014, to read as follows:

144.014. 1. Notwithstanding other provisions of law to the contrary, beginning October 1, 1997, **and until December 31, 2002**, the tax levied and imposed pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.746 on all retail sales of food shall be at the rate of one percent. **Beginning January 1, 2003, the tax levied and imposed pursuant to this chapter on all retail sales of food shall be at the rate of one and three-fourths percent.** The revenue derived from the [one percent] **appropriate portion of the rate imposed** pursuant to this section **as provided in section 144.701** shall be deposited by the state treasurer in the school district trust fund and shall be distributed as provided in section 144.701.

2. For the purposes of this section, the term "food" shall include only those products and types of food for which food stamps may be redeemed pursuant to the provisions of the Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads or as it may be amended hereafter, and shall include food dispensed by or through vending machines. For the purpose of this section, except for vending machine sales, the term "food" shall not include food or drink sold by any establishment where the gross receipts derived from the sale of food prepared by such establishment for immediate consumption on or off the premises of the establishment constitutes more than eighty percent of the total gross receipts of that

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 establishment, regardless of whether such prepared food is consumed on the premises of that
18 establishment, including, but not limited to, sales of food by any restaurant, fast food restaurant,
19 delicatessen, eating house, or café.

20 3. Any person required to collect and remit the sales or use tax on food pursuant to the
21 provisions of this section shall be entitled to a refund from the general revenue fund equal to
22 three percent of all state and local sales and use taxes collected by such person on or after
23 October 1, 1997, and prior to September 30, 1998, and remitted by such person on or before the
24 date when the same becomes due in accordance with the provisions of sections 144.080,
25 144.081, 144.090 and 144.655, on the retail sale of food as defined in this section. This refund
26 shall be in addition to the amount allowed in section 144.140 and shall be made without interest.
27 Such refund shall be made only if such person files a correctly completed claim for refund on or
28 before September 30, 1999, accompanied by such information as the director may require. The
29 director of revenue shall promulgate such rules and regulations pursuant to the provisions of
30 section 144.270 as are necessary to facilitate efficient administration of the refund authorized in
31 this section. For the purposes of this subsection, "local sales taxes" shall mean any tax levied,
32 assessed, or payable pursuant to the provisions of the "local sales tax law" as defined in section
33 32.085, RSMo, "local use taxes" shall mean any tax levied, assessed, or payable pursuant to the
34 provisions of sections 144.757 to 144.761, and "state sales and use taxes" shall mean any tax
35 levied pursuant to the provisions of sections 144.010 to 144.525 and sections 144.600 to
36 144.746.